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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/997,057 | 11/29/2001 | Clemens A. Szyperski | 50037.49US01 | 4829 |

7590 04/24/2006
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EXAMINER

KHATRI, ANIL

ART UNIT PAPER NUMBER

2191

DATE MAILED: 04/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|-----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/997,057 | SZYPERSKI, CLEMENS A. | |
| | Examiner | Art Unit | |
| | Anil Khatri | 2191 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-20 are rejected under 35 USC 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmerdam*, 33, F 3d 1354, 31 USPQ 2d 1754 (Fed. Cir. 1994).

Analysis: Claims 1-20 each of the claims disclosed by the applicant as being a “computer readable medium, computer system and computer implemented method”. Since the claims are each a series of steps to be performed on a computer the processes must be analyzed to determine whether they are statutory under 35 USC 101.

Examiner interprets that the claims 1-20 are non-statutory because they are set of data structure, namespace and data declaration, which is only capable of manipulating the data structure and data definition. Applicant submits no substance to the claim language that how it will produce a useful results by incorporating namespace manipulating them locally and globally and associating them with unique identifier so they are able to produce a useful results and its functionality can be realized. Thus claims 1-20 are non-statutory and rejected under 35 USC 101.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Further, claim language is unclear what exactly applicant is pointing out about locally modifiable common name portion and global unique identifier portion and then unique identifier portion is globally associated with first namespace and unique identifier portion being configured to globally distinguish the first namespace and imported into other namespaces without a conflict.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by *Saulpaugh et al* USPN 6,611,844.

Regarding claims 1, 8, 13 and 18

Saulpaugh et al teaches,

a first definition data field defining the data structure as a first namespace, the first data definition field including a locally modifiable common name portion and a global unique identifier portion wherein the common name portion is locally associated with the first namespace and a unique identifier portion is globally associated with the first namespace the common name portion being configured to locally identify the first namespace in a human readable manner the unique identifier portion being configured to globally distinguish the first namespace from other namespace to allow the first namespace to be imported into the other namespaces with a conflict associated with common name portion (see abstract, figure 4, column 10, lines 66-67, “illustrate the...”, column 11, lines 1-9, “namespace or sub tree... by default”).

Regarding claim 2

Saulpaugh et al teaches,

definition data field for the first namespace further comprises an element indicating that the first namespace may be changed (column 11, lines 21-23, “namespaces are transient...”).

Regarding claim 3

Saulpaugh et al teaches,

a second definition data field defining the second data structure as a second namespace (figure 9, column 11, lines 40-46, “namespace begin...”); and

an import data field including a local name declaration identifying the first data structure for import into the second data structure, the import data field identifying the first data structure by the common name portion and the unique identifier portion figure 4, column

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10, lines 66-67, “illustrate the...”, column 11, lines 1-9, “namespace or sub tree... by default”).

Regarding claims 4, 9 and 14

Saulpaugh et al teaches,

Second namespace further comprise an export data field including an atomic name by which at least a portion of the second namespace is published for use by other computer-executable components (column 11, lines 1-9, “namespace or sub tree... by default”).

Regarding claims 5, 10 and 15

Saulpaugh et al teaches,

the import data field further comprises a local name declaration that assigns a local name to the first namespaces within the scope of the second namespace (figures 7-9, column 15, lines 16-27, “the property...different types”).

Regarding claim 6

Saulpaugh et al teaches,

a declaration made in the first namespace is accessible in the scope of the second namespace by reference to the local name assigned to the first namespace (column 18, lines 30-35, “object contains reference... as follows”).

Regarding claim 7

Saulpaugh et al teaches,

wherein a conflict between the common name portion associated with the first namespace and a declaration made in the second namespace is resolved with reference to the unique identifier portion (column 11, lines 44-46, “unique name...property value”).

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Regarding claim 11

Saulpaugh et al teaches,

the third namespace forms a namespace hierarchy having the first namespace as a root and the second and third namespaces as importers (figure 7-9, column 10, lines 23-31, “an entry has a unique name... attributes”).

Regarding claims 12 and 17

Saulpaugh et al teaches,

the first namespace incorporates a legacy namespace and makes available any declarations within the legacy namespace as elements of the fast namespace (column 9, lines 10-17, “The java standard...package or namespace”).

Regarding claim 16

Saulpaugh et al teaches

The third namespace forms a namespace hierarchy having first namespace as a root and the second and third namespace as leaves (figures 7-9, column 10, lines 28-30, “receding it in hierarchy...an entry”).

Regarding claim 19

Saulpaugh et al teaches

The second localized common name for the first namespace comprises the first localized common name (figure 9, column 11, lines 40-46, “namespace begin...”).

Regarding claim 20

Saulpaugh et al teaches,

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The second localized common name for the first namespace comprises an alias assigned to the first namespace (column 11, lines 22-25, "and alias namespace...").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anil Khatri whose telephone number is 571-272-3725. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ANIL KHATRI
PRIMARY EXAMINER